IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 3162 of 2005

Between:

Medam Venkata Subamma, W/o. M. Venkata Subba Reddy, R/o. Nekunampeta Village, Kondapuram Mandal, Nellore District.

..... PETITIONER

AND

The Mandal Revenue Officer, Kondapuram Mandal, Nellore District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction or particularly one in the nature of Writ of Mandamus, declaring the impugned resumption orders in Rc.B.293/2004 dt. 15-02-2005 issued by the respondent M.R.O without waiting for 15 days from the date of receipt of Form-I notice to the petitioner to submit the explanation, by leaving number of blanks at relevant columns in the impugned orders, as prima facie illegal, highly unwarranted in gross vioaltion of principles of natural justice, nonest and violative of Article 14, 19, 21 and 300 A of Constitution of India and consequently set aside the above stated impugned proceedings and pass such other order or orders

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.3162 of 2005

ORDER:

This writ petition is filed with a prayer to issue a writ, order or direction or more particularly one in the nature of writ of Mandamus, declaring the impugned resumption orders in Rc.B.293/2004, dated 15-02-2005, issued by the respondent-Mandal Revenue Officer, without waiting for 15 days from the date of receipt of Form-I notice to the petitioner to submit the explanation, by leaving number of blanks at relevant columns in the impugned order, as illegal and arbitrary.

2. When the W.P.M.P.No.4280 of 2005 came up for hearing, both the parties consented for disposal of the writ petition itself. Hence, the writ petition is taken up for hearing and is being disposed of by this order.

3. The grievance of the petitioner is that the respondent-Mandal Revenue Officer without considering the explanation offered by him, has passed the impugned order.

4. A show cause notice was issued to the petitioner by the respondent and the petitioner submitted explanation on
on 15-02-2005. The respondent passed the impugned order dated 15-02-2005 where under the land in possession of the petitioner is ordered to be resumed to the Government.

5. The impugned order contains many blanks such as date of original assignment, date of service of notice on the petitioner and even the text of the explanation is also not reflected. Further more, the plea taken by the petitioner

has not been adverted to in the impugned order. It indicates that the respondent has not applied his mind to the explanation offered by the petitioner.

6. Therefore, the impugned order dated 15-02-2005 is set aside by giving direction to the respondent-Mandal Revenue Officer to pass fresh orders, after considering the explanation offered by the petitioner.

7. Accordingly, the writ petition is allowed. No costs.

_

_____

June 14, 2005

KVR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the Tuesday the Fourteenth day of June, two thousand and five.

_____ ASSISTANT REGISTRAR

14th June, 20045

Kvr

// True Copy //

Section Officer

To

1. The Mandal Revenue Officer, Kondapuram Mandal, Nellore

District.

2. Two C.D.Copies of the GP for Revenue, AP High Court Buildings, High Court of AP, Hyderabad (O.U.T.)

3. Two C.D.Copies.